

EXHIBIT 6

UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF VIRGINIA
RICHMOND DIVISION

LULA WILLIAMS, GLORIA)
TURNAGE, GEORGE HENGLE, DOWIN)
COFFY, and FELIX GILLISON,)
JR., on behalf of themselves)
and all individuals similarly) No. 3:17-cv-00461
situated,)
)
Plaintiffs,)
)
vs.)
)
BIG PICTURE LOANS, LLC; MATT)
MARTORELLO; ASCENSION)
TECHNOLOGIES, INC.; DANIEL)
GRAVEL; JAMES WILLIAMS, JR.;)
GERTRUDE MCGESHICK; SUSAN)
MCGESHICK; and)
GIIWEGIIZHIGOODWAY MARTIN,)
)
Defendants.)

VIDEOTAPED DEPOSITION OF
WARREN SCOTT MERRITT
Taken in behalf of Defendants

March 21, 2019
400 Columbia Street, Suite 140
Vancouver, WA 98660

Job No. CS3256218
Janette M. Schmitt, CSR, CCR, RPR
Court Reporter

1 A. Yes.

2 Q. -- but in your capacity for Answers, Etc.?

3 A. Yes.

4 Q. Okay. At the time you attended the trade
5 show, were you doing any consulting work with or for
6 Mr. Rosette or Ms. Wichtman also?

7 A. Not for them, no.

8 Q. Okay. And -- and I'll back up a little bit
9 too. So -- and were you doing any consulting work,
10 either directly or indirectly, on behalf of LVD?

11 A. No.

12 Q. This was the first time you met
13 Mr. Martorello?

14 A. Yes.

15 Q. So tell me about that.

16 A. If I recall, I was introduced by a mutual
17 colleague, and I -- I don't recall who that is, and
18 started talking. And my hopes at the time -- my
19 intent was to see if I could do a deal -- software
20 deal with him, because he wasn't entirely happy with
21 his current solution.

22 Q. So how did you first come to meet him at
23 the trade show?

24 A. Somebody introduced us.

25 Q. Do you recall who?

1 Q. You mentioned that you then introduced Matt
2 to Mr. Rosette?

3 A. Yeah. Matt indicated that he had an
4 interest in working with Native American tribes.

5 Q. What specifically do you recall Matt
6 telling you about his interest?

7 A. Just that he was interested. I don't know
8 if he -- he gave me a reason. I mean, there are
9 several reasons why -- the typical, but I don't want
10 to speculate.

11 Q. I understand you don't want to speculate as
12 to Mr. Martorello's reasons. But what are some of
13 the typical reasons, in your experience, that
14 individuals are interested in doing business with
15 Native American tribes?

16 A. To really streamline compliance. Indian
17 tribes will adopt their own lending regulations, so
18 it's easier to conduct business in multiple states,
19 and so you don't have to worry about 50 different
20 states' rules -- lending rules.

21 So the tribes can lend money to virtually
22 any state as long as they adhere to federal and
23 their tribal laws.

24 Q. So beyond that Mr. Martorello was
25 interested, in your ter -- in your words, interested

1 in, did you say, doing work with tribes?

2 A. Yes.

3 Q. Okay. You don't recall anything
4 specifically that he told you?

5 A. Not really, no. I mean, I have dozens of
6 those conversations at every trade show.

7 Q. Okay. So what made you -- what led you,
8 then, to introduce him to Mr. Rosette?

9 A. Just his -- his interest in working with
10 the tribe. I knew Rob -- Rob's a very well-known
11 attorney in that space.

12 Q. At the time that you introduced
13 Mr. Martorello to Mr. Rosette, had Mr. Rosette or
14 anyone -- or Ms. Wichtman or anyone else indicated
15 to you that LVD was interested in finding a service
16 provider?

17 A. No.

18 Q. Had you had any interactions with anyone
19 specifically at the tribe or its -- any of its
20 corporate entities?

21 A. LVD?

22 Q. Uh-huh.

23 A. No.

24 Q. When did you introduce Mr. Martorello to
25 Mr. Rosette?

1 was.

2 A. This -- the two percent was Matt's proposed
3 revenue retention for LVD. So I took that ask to
4 Rosette to see if it would fly, and that was what I
5 remember happening.

6 Q. Okay.

7 A. Yeah.

8 Q. And when you took that ask to Mr. Rosette,
9 what was his reaction?

10 A. I -- it could have been Karrie, but I think
11 she said she would take it to the tribe --

12 Q. Okay.

13 A. -- to see.

14 Q. Okay. And did you have any inter -- you
15 didn't have any interaction with the tribe regarding
16 the two percent?

17 A. No.

18 Q. Okay.

19 A. No.

20 Q. Had you helped negotiate or been involved
21 in negotiating revenue share provisions similar to
22 this prior to --

23 A. No.

24 Q. -- that?

25 A. No.

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1 you told him the LVD had a tribal code and was set
2 to make loans?

3 A. Inaccurate.

4 Q. Okay. And it would be inaccurate in part
5 because Matt approached you and told you he was
6 interested in finding a tribal partner; right?

7 MS. ALAMO: Objection. Mischaracterizes
8 his testimony.

9 THE WITNESS: Repeat the question, please.

10 Q. (By Mr. Guzzo) I said it would be
11 inaccurate because Matt actually approached you and
12 said he was interested in finding a tribal partner;
13 is that right?

14 A. Matt was introduced to me, and he didn't
15 approach me.

16 Q. Well -- okay. And after he was introduced
17 to you, he was the one that indicated his
18 willingness or his desire to find a tribal partner;
19 right?

20 A. That's correct.

21 Q. Yeah. And if Matt testified that you
22 introduced him to members of the LVD's tribal
23 council, that would be inaccurate too; right?

24 A. Correct.

25 Q. And you didn't introduce him to the